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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MUHEBBULLAH, SAJEDA

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,932

Applicant(s)

KIKINIS ET AL.

Examiner

Sajeda Muhebbullah

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to RCE filed 4/20/2005.
2. Claims 1-4 and 6-20 are pending in this application. Claims 1, 3, 7, and 9 are independent claims. In the Amendment, claims 1, 3, 7, and 9, were amended and claims 11-20 were added. This action is made Non-Final.

Claim Rejections - 35 USC § 112

3. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation of “displaying one or more movable objects concurrently with the electronic program guide” is not described in the specification. The specification simply describes the changing of time however there is no indication of concurrently displaying the time and EPG data. In addition, the limitation is not shown within any of the drawings rather only the changing of the time is shown independently in Figs. 3A-3C and Fig.4.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1, 3, 7, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohkura et al. ("Ohkura", US 6,005,601).

As per claim 1, Ohkura teaches a method for displaying data associated with an electronic program guide, comprising:

displaying one or more movable objects concurrently with the electronic program guide (Fig.17, *movable cursor objects 100X1, 100X2, 100Y, 100Z*);

displaying electronic program guide data corresponding to a position of the one or more moveable objects (Fig.17; *AREA Y*); and

wherein said data corresponding to the position of the moveable object is changed in a frame buffer or a video buffer as a user changes a position of said one or more moveable objects (Fig.17; col.15, lines 12-25).

Independent claims 3, 7 and 9 are individually similar in scope to independent claim 1, and are therefore rejected under similar rationale.

As per claim 11, Ohkura teaches the method further comprising, displaying a plurality of movable objects concurrently with the electronic program guide, wherein each moveable object corresponds to a different incremental value (Fig.17, *movable cursor objects 100X1, 100X2, 100Y, 100Z*).

Claims 12-14 are individually similar in scope to claim 11, and are therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4, 6, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkura et al. ("Ohkura", US 6,005,601) in view of IBM Technical Disclosure Bulletin ("IBM", *New method of Setting Time by One Mouse Operation*, vol. 40, No. 03, March 1997)

As per claim 2, Ohkura teaches displaying a movable object which is rotatable however does not disclose the moveable object to be a slide knob. IBM teaches a method of setting time using a sliding knob (Fig.2). It would have been obvious to one of ordinary skill in the art at the time of the invention to include IBM's teaching with Ohkura's method in order to enable a user to swiftly change settings.

Claims 4, 8 and 10 are individually similar in scope to claim 2, and are therefore rejected under similar rationale.

As per claim 6, Ohkura teaches the device to indicate a series of programs to be viewed (Fig.17, *AREA Y*).

As per claim 15, Ohkura teaches displaying a movable object however does not disclose the movable object to be an hour hand grab mechanism. IBM teaches the movable object to comprise an analog-type mechanism having at least an hour hand grab mechanism (Fig.1). It

would have been obvious to one of ordinary skill in the art at the time of the invention to include IBM's teaching with Ohkura's method in order to enable a user to swiftly change settings.

Claims 16-18 are individually similar in scope to claim 15, and are therefore rejected under similar rationale.

As per claim 19, IBM teaches the movable object to comprise a minute hand grab mechanism (Fig. 1).

Claim 20 is similar in scope to claim 19, and is therefore rejected under similar rationale.

Response to Arguments

8. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued the following:

a) IBM does not disclose a slide knob which may be moved to quickly change program data in real time.

The Examiner disagrees for the following reasons:

Per a) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). IBM does disclose the use of a knob which is slideable by use of a mouse (IBM, Fig. 1). The slide knob of IBM is used in combination with the sliding/rotating area of Ohkura (Ohkura, Fig. 18) to display program data

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bushmitch et al. (US 6,593,942) teaches the use of an analog clock within an EPG.

Communications

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is (571) 272-4065. The examiner can normally be reached on Tuesday/Thursday from 8:00 am to 4:30 pm (EST) and alt. Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned are as follows:


(703) 746-7238 [After Final Communication]

(703) 872-9306 [Official Communication]

(703) 746-9915 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajeda Muhebbullah
Patent Examiner
Art Unit 2174


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